

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Manuel P. Asensio, individually and as the parent
of Eva Asensio, a minor child,

Plaintiffs,

-against-

18 CV-10933

Janet DiFiore, Chief Judge of New York
State; Barbara Underwood, Attorney General
of New York State; Andrew M. Cuomo,
Governor of New York State; Adetokunbo O.
Fasanya, New York County Family Court
Magistrate; and Emilie Marie Bosak,
individually,

Defendants.

**PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS:
AFFIDAVIT OF HATUN AYTUG CONCERNING DEFENDANT FASANYA'S
FABRICATION OF JURISDICTION AND FALSEHOODS IN THE
NEW YORK DAILY NEWS ARTICLE**

1. Hatun Aytug deposes and says:
2. I have first-hand knowledge of the events of December 29, 2015 that were publicized in the New York Daily News story on Monday, January, 21, 2019 is related to the issues at bar in this case.
3. I was interviewed twice as a potential witness by the New York County District Attorney's Domestic Violence Unit ADA Steven McCarthy concerning Defendant Bosak's December 5, 2013 and December 29, 2015 allegations respectively. Both times after my interview the criminal charges based on Defendant Bosak's allegations were dismissed in the interest of justice.
4. I have personal knowledge that the Plaintiff never consented to Defendant Fasanya's appointment of Carmen Restivo, fired his counsel because he spoke to Ms. Restivo, withdraw from family court on May 15, 2014 and hired a new attorney to stop Defendant Fasanya from continuing his case

unilaterally after he withdrew.

5. I am a witness to the events surrounding Judge Abrams' order entered contemporaneously with the January 21, 2019 Daily News article concerning Plaintiff and the present litigation. This article publicized glaring falsehoods about the December 29, 2015 events.
6. I have personal knowledge about the Plaintiff's family court case and the events of December 29, 2015. Based on this knowledge, I can testify that the January 21, 2019 Daily News story misrepresent the facts relating to the events of December 29, 2015, and that Defendant DiFiore's spokesman entirely mischaracterization the family case which was entirely based on Defendant Fasanya's handling of Ms. Restivo's fees and the December 29, 2015 allegations.
7. I swear that I am fully familiar with the facts, factors and circumstances contained in this affidavit and that the statements I make are complete and true to the best of my knowledge including any matters stated upon personal information and belief.



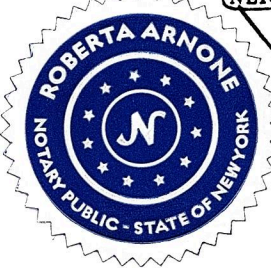
Hatun Aytug

Sworn to before me this the 12th Day of May 2019



Notary Public

State of New York
County of New York



ROBERTA ARNONE
Notary Public State of New York
Qualified in New York County
02AR5044142
Exp. May 22, 2023

5/22/19
-extended.